

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JESUS ANGEL BASURTO, RIGOBERTO
SEBASTIAN RIVERA, MARIO ESCOBAR
SOSA, JOSE JAIME REYES PATRICIO, and
ISIDRO MENDOZA, *individually and on
behalf of others similarly situated,*

Index No.: 18-cv-8858

Plaintiffs,

-against-

EDA FOOD INC. (D/B/A MUGHLAI
INDIAN CUISINE), KARENA FOODS INC.
(D/B/A MUGHLAI INDIAN CUISINE), and
GARY TULSIANI,

Defendants.

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PROPOSED VERDICT SHEET

We, the jury in the above-entitled action, render the following verdict on the
questions submitted to us:

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QUESTIONS RELATING TO FLSA COVERAGE

Question 1: Defendants' Status as Employers Under Fair Labor Standards Act

Did Plaintiffs prove by a preponderance of the credible evidence that for the years 2016 through 2018, EDA FOOD INC. (D/B/A MUGHLAI INDIAN CUISINE) and KARENA FOODS INC. (D/B/A MUGHLAI INDIAN CUISINE) were an enterprise which (1) had employees engaged in commerce or in the production of goods for commerce, or had employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person, and (2) had an annual gross volume of sales made or business done that is not less than \$500,000.

2016: YES _____	NO _____
2017: YES _____	NO _____
2018: YES _____	NO _____

QUESTIONS RELATING TO PLAINTIFF JESUS ANGEL BASURTO

Question 1. Plaintiff JESUS ANGEL BASURTO: Violation of Minimum Wage Provisions under Federal Fair Labor Standards Act and New York Labor Law

Did Plaintiff JESUS ANGEL BASURTO prove by a preponderance of the credible evidence that the Defendants failed to pay him the minimum wage for the first 40 hours of work per week, at any time during his employment, in violation of the federal Fair Labor Standards Act and/or under the New York Labor Law?

(a) the federal Fair Labor Standards Act?	YES _____	NO _____
(b) the New York Labor Law?	YES _____	NO _____

Question 2. Plaintiff JESUS ANGEL BASURTO: Violation of Overtime Provisions Under Federal Fair Labor Standards Act and New York Labor Law

Did Plaintiff JESUS ANGEL BASURTO prove by a preponderance of the credible evidence that the Defendants failed to pay him “time and a half” overtime pay for hours of work in excess of 40 per week, at any time during his employment, in violation of the federal Fair Labor Standards Act and New York Labor Law?

- (a) the federal Fair Labor Standards Act? YES _____ NO _____
 (b) the New York Labor Law? YES _____ NO _____

Question 3. Plaintiff JESUS ANGEL BASURTO: Violation of New York’s “Spread of Hours” Law

Did Plaintiff JESUS ANGEL BASURTO prove by a preponderance of the credible evidence that the spread of hours from the time that he commenced work until the time he finished work exceeded 10 hours on any given day, at any time during his employment?

YES _____ NO _____

If you answer NO to question 3, SKIP question 4

Question 4. Plaintiff JESUS ANGEL BASURTO: Amount of Violation of New York “Spread of Hours” Law

If you answered “YES” to Question 3, indicate the number of days you find that the spread of hours exceeded 10 hours for Plaintiff HERNAN REYES.

_____ days per week, from _____ (date) to _____ (date)
 _____ days per week, from _____ (date) to _____ (date)
 _____ days per week, from _____ (date) to _____ (date)
 _____ days per week, from _____ (date) to _____ (date)
 _____ days per week, from _____ (date) to _____ (date)

Question 5. Plaintiff JESUS ANGEL BASURTO: Notice of Tip Credit

Do you find the Defendants have proven by a preponderance of the evidence that (1) prior to the start of Plaintiff's employment and after any change in his hourly rate of pay, the Defendants provided the Plaintiff JESUS ANGEL BASURTO written notice of his hourly rate of pay, overtime rate of pay, amount of tip credit and regular payday; (2) the notice stated extra pay would be required if tips were insufficient to bring Plaintiff up to minimum hourly rate; and (3) the notice was in English and any other language spoken by the Plaintiff as his primary language?

(a) the federal Fair Labor Standards Act? YES _____ NO _____

(b) the New York Labor Law? YES _____ NO _____

Question 6. Plaintiff JESUS ANGEL BASURTO: Non-tipped work

Do you find the Defendants have proven by a preponderance of the evidence that Plaintiff JESUS ANGEL BASURTO did not, on any day within the period applicable to his claims spend a substantial amount of time (i.e. more than two hours or 20% of his shift) engaged in activities that are not customarily tipped such as cleaning?

YES _____ NO _____

If you answered NO to question 6, SKIP question 7

Question 7. Plaintiff JESUS ANGEL BASURTO amount of tipped work

If you answered "YES" to question 11, identify any dates during the period indicated in the answer to question 11 when Defendants have proven by a preponderance of the evidence that Plaintiff JESUS ANGEL BASURTO did not, on any day within the period

applicable to his claims spend a substantial amount of time (i.e. more than two hours or 20% or his shift) engaged in activities that are not customarily tipped such as cleaning?

from _____(date) to _____(date), _____ Hours Per Week

from _____(date) to _____(date), _____ Hours Per Week

from _____(date) to _____(date), _____ Hours Per Week

from _____(date) to _____(date), _____ Hours Per Week

Question 8. Plaintiff JESUS ANGEL BASURTO: Whether Defendants' violations of law were willful.

If you have found that Defendants violated the law as to Plaintiff HERNAN REYES, please indicate whether such violation was willful.

WILLFUL _____

NOT WILLFUL _____

Question 9. Plaintiff JESUS ANGEL BASURTO: Whether Defendants' provided statutorily required Wage Notices?

If you have found that Defendants violated the law as to Plaintiff JESUS ANGEL BASURTO by failing to provide the statutorily required wage notices:

YES _____

NO _____

If yes, then state the number of years Defendants failed to provide such notices:

Question 10. Plaintiff JESUS ANGEL BASURTO: Whether Defendants' provided statutorily required Wage Statements?

If you have found that Defendants violated the law as to Plaintiff JESUS ANGEL BASURTO by failing to provide the statutorily required wage statements:

YES _____

NO _____

If yes, then state the number of weeks Defendants failed to provide such statements:

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QUESTIONS RELATING TO PLAINTIFF RIGOBERTO SEBASTIAN RIVERA

Question 1. Plaintiff RIGOBERTO SEBASTIAN RIVERA: Violation of Minimum Wage Provisions under Federal Fair Labor Standards Act and New York Labor Law

Did Plaintiff RIGOBERTO SEBASTIAN RIVERA prove by a preponderance of the credible evidence that the Defendants failed to pay him the minimum wage for the first 40 hours of work per week, at any time during his employment, in violation of the federal Fair Labor Standards Act and/or under the New York Labor Law?

- (a) the federal Fair Labor Standards Act? YES _____ NO _____
(b) the New York Labor Law? YES _____ NO _____

Question 2. Plaintiff RIGOBERTO SEBASTIAN RIVERA: Violation of Overtime Provisions Under Federal Fair Labor Standards Act and New York Labor Law

Did Plaintiff RIGOBERTO SEBASTIAN RIVERA prove by a preponderance of the credible evidence that the Defendants failed to pay him “time and a half” overtime pay for hours of work in excess of 40 per week, at any time during his employment, in violation of the federal Fair Labor Standards Act and New York Labor Law?

- (a) the federal Fair Labor Standards Act? YES _____ NO _____
(b) the New York Labor Law? YES _____ NO _____

Question 3. Plaintiff RIGOBERTO SEBASTIAN RIVERA: Violation of New York’s “Spread of Hours” Law

Did Plaintiff RIGOBERTO SEBASTIAN RIVERA prove by a preponderance of the credible evidence that the spread of hours from the time that he commenced work until the time he finished work exceeded 10 hours on any given day, at any time during his employment?

YES _____ NO _____

If you answer NO to question 3, SKIP question 4

Question 4. Plaintiff RIGOBERTO SEBASTIAN RIVERA: Amount of Violation of New York “Spread of Hours” Law

If you answered “YES” to Question 3, indicate the number of days you find that the spread of hours exceeded 10 hours for Plaintiff RIGOBERTO SEBASTIAN RIVERA.

_____ days per week, from _____ (date) to _____ (date)
_____ days per week, from _____ (date) to _____ (date)
_____ days per week, from _____ (date) to _____ (date)
_____ days per week, from _____ (date) to _____ (date)
_____ days per week, from _____ (date) to _____ (date)

Question 5. Plaintiff RIGOBERTO SEBASTIAN RIVERA: Notice of Tip Credit

Do you find the Defendants have proven by a preponderance of the evidence that (1) prior to the start of Plaintiff’s employment and after any change in his hourly rate of pay, the Defendants provided the Plaintiff RIGOBERTO SEBASTIAN RIVERA written notice of his hourly rate of pay, overtime rate of pay, amount of tip credit and regular payday; (2) the notice stated extra pay would be required if tips were insufficient to bring Plaintiff up to minimum hourly rate; and (3) the notice was in English and any other language spoken by the Plaintiff as his primary language?

(a) the federal Fair Labor Standards Act? YES _____ NO _____

(b) the New York Labor Law? YES _____ NO _____

Question 6. Plaintiff RIGOBERTO SEBASTIAN RIVERA: Non-tipped work

Do you find the Defendants have proven by a preponderance of the evidence that Plaintiff RIGOBERTO SEBASTIAN RIVERA did not, on any day within the period applicable to his claims spend a substantial amount of time (i.e. more than two hours or 20% or his shift) engaged in activities that are not customarily tipped such as cleaning?

YES _____

NO _____

If you answered NO to question 6, SKIP question 7

Question 7. Plaintiff RIGOBERTO SEBASTIAN RIVERA amount of tipped work

If you answered "YES" to question 11, identify any dates during the period indicated in the answer to question 11 when Defendants have proven by a preponderance of the evidence that Plaintiff RIGOBERTO SEBASTIAN RIVERA did not, on any day within the period applicable to his claims spend a substantial amount of time (i.e. more than two hours or 20% or his shift) engaged in activities that are not customarily tipped such as cleaning?

from _____(date) to _____(date), _____ Hours Per Week

from _____(date) to _____(date), _____ Hours Per Week

from _____(date) to _____(date), _____ Hours Per Week

from _____(date) to _____(date), _____ Hours Per Week

Question 8. Plaintiff RIGOBERTO SEBASTIAN RIVERA: Whether Defendants' violations of law were willful.

If you have found that Defendants violated the law as to Plaintiff RIGOBERTO SEBASTIAN RIVERA, please indicate whether such violation was willful.

WILLFUL _____

NOT WILLFUL _____

Question 9. Plaintiff RIGOBERTO SEBASTIAN RIVERA: Whether Defendants' provided statutorily required Wage Notices?

If you have found that Defendants violated the law as to Plaintiff RIGOBERTO SEBASTIAN RIVERA by failing to provide the statutorily required wage notices:

YES _____

NO _____

If yes, then state the number of years Defendants failed to provide such notices:

Question 10. Plaintiff RIGOBERTO SEBASTIAN RIVERA: Whether Defendants' provided statutorily required Wage Statements?

If you have found that Defendants violated the law as to Plaintiff RIGOBERTO SEBASTIAN RIVERA by failing to provide the statutorily required wage statements:

YES _____

NO _____

If yes, then state the number of weeks Defendants failed to provide such statements:

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QUESTIONS RELATING TO PLAINTIFF MARIO ESCOBAR SOSA

Question 1. Plaintiff MARIO ESCOBAR SOSA: Violation of Minimum Wage Provisions under Federal Fair Labor Standards Act and New York Labor Law

Did Plaintiff MARIO ESCOBAR SOSA prove by a preponderance of the credible evidence that the Defendants failed to pay him the minimum wage for the first 40 hours of work per week, at any time during his employment, in violation of the federal Fair Labor Standards Act and/or under the New York Labor Law?

- (a) the federal Fair Labor Standards Act? YES _____ NO _____
(b) the New York Labor Law? YES _____ NO _____

Question 2. Plaintiff MARIO ESCOBAR SOSA: Violation of Overtime Provisions Under Federal Fair Labor Standards Act and New York Labor Law

Did Plaintiff MARIO ESCOBAR SOSA prove by a preponderance of the credible evidence that the Defendants failed to pay him “time and a half” overtime pay for hours of work in excess of 40 per week, at any time during his employment, in violation of the federal Fair Labor Standards Act and New York Labor Law?

- (a) the federal Fair Labor Standards Act? YES _____ NO _____
(b) the New York Labor Law? YES _____ NO _____

Question 3. Plaintiff MARIO ESCOBAR SOSA: Violation of New York’s “Spread of Hours” Law

Did Plaintiff MARIO ESCOBAR SOSA prove by a preponderance of the credible evidence that the spread of hours from the time that he commenced work until the time he finished work exceeded 10 hours on any given day, at any time during his employment?

YES _____ NO _____

If you answer NO to question 3, SKIP question 4

Question 4. Plaintiff MARIO ESCOBAR SOSA: Amount of Violation of New York “Spread of Hours” Law

If you answered “YES” to Question 3, indicate the number of days you find that the spread of hours exceeded 10 hours for Plaintiff MARIO ESCOBAR SOSA.

_____ days per week, from _____ (date) to _____ (date)
_____ days per week, from _____ (date) to _____ (date)
_____ days per week, from _____ (date) to _____ (date)
_____ days per week, from _____ (date) to _____ (date)
_____ days per week, from _____ (date) to _____ (date)

Question 5. Plaintiff MARIO ESCOBAR SOSA: Notice of Tip Credit

Do you find the Defendants have proven by a preponderance of the evidence that (1) prior to the start of Plaintiff’s employment and after any change in his hourly rate of pay, the Defendants provided the Plaintiff MARIO ESCOBAR SOSA written notice of his hourly rate of pay, overtime rate of pay, amount of tip credit and regular payday; (2) the notice stated extra pay would be required if tips were insufficient to bring Plaintiff up to minimum hourly rate; and (3) the notice was in English and any other language spoken by the Plaintiff as his primary language?

- (a) the federal Fair Labor Standards Act? YES _____ NO _____
(b) the New York Labor Law? YES _____ NO _____

Question 6. Plaintiff MARIO ESCOBAR SOSA: Non-tipped work

Do you find the Defendants have proven by a preponderance of the evidence that Plaintiff MARIO ESCOBAR SOSA did not, on any day within the period applicable to his

claims spend a substantial amount of time (i.e. more than two hours or 20% or his shift) engaged in activities that are not customarily tipped such as cleaning?

YES _____

NO _____

If you answered NO to question 6, SKIP question 7

Question 7. Plaintiff MARIO ESCOBAR SOSA amount of tipped work

If you answered "YES" to question 11, identify any dates during the period indicated in the answer to question 11 when Defendants have proven by a preponderance of the evidence that Plaintiff MARIO ESCOBAR SOSA did not, on any day within the period applicable to his claims spend a substantial amount of time (i.e. more than two hours or 20% or his shift) engaged in activities that are not customarily tipped such as cleaning?

from _____(date) to _____(date), _____ Hours Per Week

from _____(date) to _____(date), _____ Hours Per Week

from _____(date) to _____(date), _____ Hours Per Week

from _____(date) to _____(date), _____ Hours Per Week

Question 8. Plaintiff MARIO ESCOBAR SOSA: Whether Defendants' violations of law were willful.

If you have found that Defendants violated the law as to Plaintiff MARIO ESCOBAR SOSA, please indicate whether such violation was willful.

WILLFUL _____

NOT WILLFUL _____

Question 9. Plaintiff MARIO ESCOBAR SOSA: Whether Defendants' provided statutorily required Wage Notices?

If you have found that Defendants violated the law as to Plaintiff MARIO ESCOBAR SOSA by failing to provide the statutorily required wage notices:

YES _____

NO _____

If yes, then state the number of years Defendants failed to provide such notices:

Question 10. Plaintiff MARIO ESCOBAR SOSA: Whether Defendants' provided statutorily required Wage Statements?

If you have found that Defendants violated the law as to Plaintiff MARIO ESCOBAR SOSA by failing to provide the statutorily required wage statements:

YES _____

NO _____

If yes, then state the number of weeks Defendants failed to provide such statements:

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QUESTIONS RELATING TO PLAINTIFF JOSE JAIME REYES PATRICIO

Question 1. Plaintiff JOSE JAIME REYES PATRICIO: Violation of Minimum Wage Provisions under Federal Fair Labor Standards Act and New York Labor Law

Did Plaintiff JOSE JAIME REYES PATRICIO prove by a preponderance of the credible evidence that the Defendants failed to pay him the minimum wage for the first 40 hours of work per week, at any time during his employment, in violation of the federal Fair Labor Standards Act and/or under the New York Labor Law?

- (a) the federal Fair Labor Standards Act? YES _____ NO _____
(b) the New York Labor Law? YES _____ NO _____

Question 2. Plaintiff JOSE JAIME REYES PATRICIO: Violation of Overtime Provisions Under Federal Fair Labor Standards Act and New York Labor Law

Did Plaintiff JOSE JAIME REYES PATRICIO prove by a preponderance of the credible evidence that the Defendants failed to pay him “time and a half” overtime pay for hours of work in excess of 40 per week, at any time during his employment, in violation of the federal Fair Labor Standards Act and New York Labor Law?

- (a) the federal Fair Labor Standards Act? YES _____ NO _____
(b) the New York Labor Law? YES _____ NO _____

Question 3. Plaintiff JOSE JAIME REYES PATRICIO: Violation of New York’s “Spread of Hours” Law

Did Plaintiff JOSE JAIME REYES PATRICIO prove by a preponderance of the credible evidence that the spread of hours from the time that he commenced work until the time he finished work exceeded 10 hours on any given day, at any time during his employment?

YES _____ NO _____

If you answer NO to question 3, SKIP question 4

Question 4. Plaintiff JOSE JAIME REYES PATRICIO: Amount of Violation of New York “Spread of Hours” Law

If you answered “YES” to Question 3, indicate the number of days you find that the spread of hours exceeded 10 hours for Plaintiff JOSE JAIME REYES PATRICIO.

_____ days per week, from _____ (date) to _____ (date)
_____ days per week, from _____ (date) to _____ (date)
_____ days per week, from _____ (date) to _____ (date)
_____ days per week, from _____ (date) to _____ (date)
_____ days per week, from _____ (date) to _____ (date)

Question 5. Plaintiff JOSE JAIME REYES PATRICIO: Notice of Tip Credit

Do you find the Defendants have proven by a preponderance of the evidence that (1) prior to the start of Plaintiff’s employment and after any change in his hourly rate of pay, the Defendants provided the Plaintiff JOSE JAIME REYES PATRICIO written notice of his hourly rate of pay, overtime rate of pay, amount of tip credit and regular payday; (2) the notice stated extra pay would be required if tips were insufficient to bring Plaintiff up to minimum hourly rate; and (3) the notice was in English and any other language spoken by the Plaintiff as his primary language?

- (a) the federal Fair Labor Standards Act? YES _____ NO _____
(b) the New York Labor Law? YES _____ NO _____

Question 6. Plaintiff JOSE JAIME REYES PATRICIO: Non-tipped work

Do you find the Defendants have proven by a preponderance of the evidence that Plaintiff JOSE JAIME REYES PATRICIO did not, on any day within the period applicable to

his claims spend a substantial amount of time (i.e. more than two hours or 20% or his shift) engaged in activities that are not customarily tipped such as cleaning?

YES _____

NO _____

If you answered NO to question 6, SKIP question 7

Question 7. Plaintiff JOSE JAIME REYES PATRICIO amount of tipped work

If you answered "YES" to question 11, identify any dates during the period indicated in the answer to question 11 when Defendants have proven by a preponderance of the evidence that Plaintiff JOSE JAIME REYES PATRICIO did not, on any day within the period applicable to his claims spend a substantial amount of time (i.e. more than two hours or 20% or his shift) engaged in activities that are not customarily tipped such as cleaning?

from _____(date) to _____(date), _____ Hours Per Week

from _____(date) to _____(date), _____ Hours Per Week

from _____(date) to _____(date), _____ Hours Per Week

from _____(date) to _____(date), _____ Hours Per Week

Question 8. Plaintiff JOSE JAIME REYES PATRICIO: Whether Defendants' violations of law were willful.

If you have found that Defendants violated the law as to Plaintiff JOSE JAIME REYES PATRICIO, please indicate whether such violation was willful.

WILLFUL _____

NOT WILLFUL _____

Question 9. Plaintiff JOSE JAIME REYES PATRICIO: Whether Defendants' provided statutorily required Wage Notices?

If you have found that Defendants violated the law as to Plaintiff JOSE JAIME REYES PATRICIO by failing to provide the statutorily required wage notices:

YES _____

NO _____

If yes, then state the number of years Defendants failed to provide such notices:

Question 10. Plaintiff JOSE JAIME REYES PATRICIO: Whether Defendants' provided statutorily required Wage Statements?

If you have found that Defendants violated the law as to Plaintiff JOSE JAIME REYES PATRICIO by failing to provide the statutorily required wage statements:

YES _____

NO _____

If yes, then state the number of weeks Defendants failed to provide such statements:

Question 11. Plaintiff JOSE JAIME REYES PATRICIO: Whether Defendants' employed 11 or more employees?

If you have found that Defendants employed 11 or more employees in 2017:

YES _____

NO _____

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QUESTIONS RELATING TO PLAINTIFF ISIDRO MENDOZA

Question 1. Plaintiff ISIDRO MENDOZA: Violation of Minimum Wage Provisions under Federal Fair Labor Standards Act and New York Labor Law

Did Plaintiff ISIDRO MENDOZA prove by a preponderance of the credible evidence that the Defendants failed to pay him the minimum wage for the first 40 hours of work per week, at any time during his employment, in violation of the federal Fair Labor Standards Act and/or under the New York Labor Law?

- | | | | |
|-----|---------------------------------------|-----------|----------|
| (a) | the federal Fair Labor Standards Act? | YES _____ | NO _____ |
| (b) | the New York Labor Law? | YES _____ | NO _____ |

Question 2. Plaintiff ISIDRO MENDOZA: Violation of Overtime Provisions Under Federal Fair Labor Standards Act and New York Labor Law

Did Plaintiff ISIDRO MENDOZA prove by a preponderance of the credible evidence that the Defendants failed to pay him “time and a half” overtime pay for hours of work in excess of 40 per week, at any time during his employment, in violation of the federal Fair Labor Standards Act and New York Labor Law?

- | | | | |
|-----|---------------------------------------|-----------|----------|
| (a) | the federal Fair Labor Standards Act? | YES _____ | NO _____ |
| (b) | the New York Labor Law? | YES _____ | NO _____ |

Question 3. Plaintiff ISIDRO MENDOZA: Violation of New York’s “Spread of Hours” Law

Did Plaintiff ISIDRO MENDOZA prove by a preponderance of the credible evidence that the spread of hours from the time that he commenced work until the time he finished work exceeded 10 hours on any given day, at any time during his employment?

YES _____ NO _____

If you answer NO to question 3, SKIP question 4

Question 4. Plaintiff ISIDRO MENDOZA: Amount of Violation of New York “Spread of Hours” Law

If you answered “YES” to Question 3, indicate the number of days you find that the spread of hours exceeded 10 hours for Plaintiff ISIDRO MENDOZA.

_____ days per week, from _____ (date) to _____ (date)
_____ days per week, from _____ (date) to _____ (date)
_____ days per week, from _____ (date) to _____ (date)
_____ days per week, from _____ (date) to _____ (date)
_____ days per week, from _____ (date) to _____ (date)

Question 5. Plaintiff ISIDRO MENDOZA: Notice of Tip Credit

Do you find the Defendants have proven by a preponderance of the evidence that (1) prior to the start of Plaintiff’s employment and after any change in his hourly rate of pay, the Defendants provided the Plaintiff ISIDRO MENDOZA written notice of his hourly rate of pay, overtime rate of pay, amount of tip credit and regular payday; (2) the notice stated extra pay would be required if tips were insufficient to bring Plaintiff up to minimum hourly rate; and (3) the notice was in English and any other language spoken by the Plaintiff as his primary language?

- (a) the federal Fair Labor Standards Act? YES _____ NO _____
(b) the New York Labor Law? YES _____ NO _____

Question 6. Plaintiff ISIDRO MENDOZA: Non-tipped work

Do you find the Defendants have proven by a preponderance of the evidence that Plaintiff ISIDRO MENDOZA did not, on any day within the period applicable to his claims

spend a substantial amount of time (i.e. more than two hours or 20% of his shift) engaged in activities that are not customarily tipped such as cleaning?

YES _____

NO _____

If you answered NO to question 6, SKIP question 7

Question 7. Plaintiff ISIDRO MENDOZA amount of tipped work

If you answered "YES" to question 11, identify any dates during the period indicated in the answer to question 11 when Defendants have proven by a preponderance of the evidence that Plaintiff ISIDRO MENDOZA did not, on any day within the period applicable to his claims spend a substantial amount of time (i.e. more than two hours or 20% of his shift) engaged in activities that are not customarily tipped such as cleaning?

from _____(date) to _____(date), _____ Hours Per Week

from _____(date) to _____(date), _____ Hours Per Week

from _____(date) to _____(date), _____ Hours Per Week

from _____(date) to _____(date), _____ Hours Per Week

Question 8. Plaintiff ISIDRO MENDOZA: Whether Defendants' violations of law were willful.

If you have found that Defendants violated the law as to Plaintiff ISIDRO MENDOZA, please indicate whether such violation was willful.

WILLFUL _____

NOT WILLFUL _____

Question 9. Plaintiff ISIDRO MENDOZA: Whether Defendants' provided statutorily required Wage Notices?

If you have found that Defendants violated the law as to Plaintiff ISIDRO MENDOZA by failing to provide the statutorily required wage notices:

YES _____

NO _____

If yes, then state the number of years Defendants failed to provide such notices:

Question 10. Plaintiff ISIDRO MENDOZA: Whether Defendants' provided statutorily required Wage Statements?

If you have found that Defendants violated the law as to Plaintiff ISIDRO MENDOZA by failing to provide the statutorily required wage statements:

YES _____

NO _____

If yes, then state the number of weeks Defendants failed to provide such statements:

Question 11. Plaintiff ISIDRO MENDOZA: Whether Defendants' employed 11 or more employees?

If you have found that Defendants employed 11 or more employees in 2017:

YES _____

NO _____

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INDIVIDUAL LIABILITY

Question 1: Individual Liability: GARY TULSIANI

If you have found liability for any of the violations listed above, have Plaintiffs proven by a preponderance of the credible evidence that Gary Tulsiani was their employer when Plaintiffs worked for the Defendant corporations?

YES _____

NO _____

We, the jury, certify that the foregoing constitutes our verdict in this matter.

Dated: New York, New York

May ____, 2020

SIGNATURE OF THE FOREPERSON